



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2308278
Applicant Name: Greg Brant for Soleil Development LLC
Address of Proposal: 7454 4th Ave NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) lots (unit lot subdivision). Proposed lot sizes are: A) 2469.9 square feet and B) 2033.6 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects: establish use as and construct one single-family structure and occupy per plan with the existing single-family structure to remain all under MUP No. 2307426 Permit No. 738637.

The following approval is required:

Short Subdivision - to subdivide one (1) existing parcel into two (2) lots as a unit lot subdivision. (Chapter 23.24, Seattle Municipal Code).

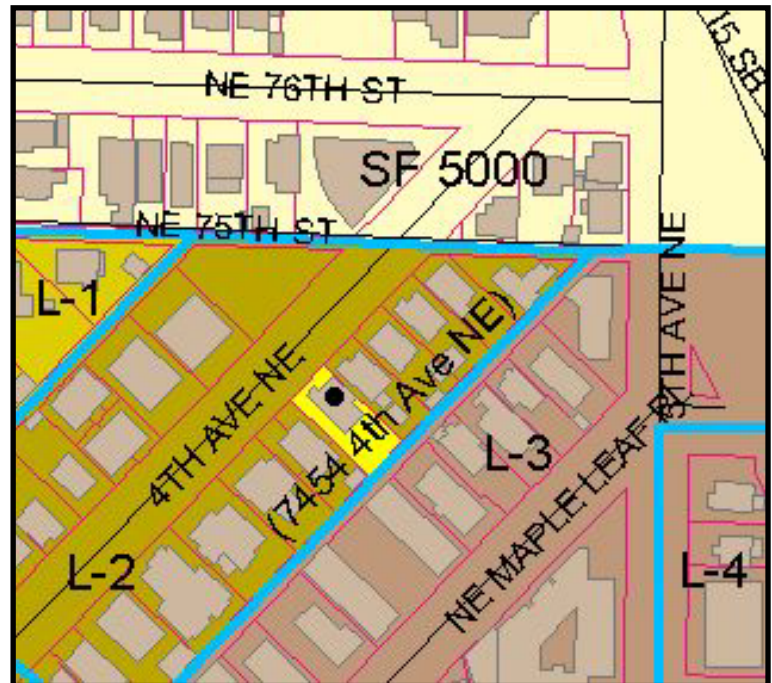
SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

The approximately 4,500 square foot rectangular proposal site is located in a Multi-Family Residential Lowrise 2 (L-2) zone between 4th Ave NE and NE Maple Leaf PL, just south of NE 75th St. The subject site has approximately forty five (45) lineal feet of street frontage on 4th Ave NE, which is a paved street with curbs, gutters and sidewalks on both sides of the street. There is an improved alley adjacent to the site that provides vehicles access to the proposed structure and parking space for the existing single-family residence. Prior to construction of the new single-family residence, the site was lightly vegetated with grass, two (2) Cherry and two (2) Fir trees near the south and southeasterly perimeter of the site.



Area Development

Zoning in the vicinity is Multi-Family Residential Lowrise 1, 2, 3 and 4 with single-family (SF 5000) zoning to the north. Development in the vicinity includes a mix of small scale single and multifamily residences all consistent with the zoning.

Proposal

The proposal is to subdivide one (1) parcel into two (2) unit subdivision lots with vehicle access for both structures from the abutting concrete improved 15' alley via either NE 75th St or Woodlawn Ave N. The new single-family unit will have parking located within the structure and parking for the existing single-family unit (to remain) is provided via a parking easement, accessed from the abutting alley. Proposed lot sizes are as indicated in the summary above. Unit lot A has direct pedestrian access to 4th Ave NE. Unit lot B will have direct pedestrian access to 4th Ave NE via a five (5) foot pedestrian access easement that spans the southwesterly five feet of the parent parcel. Also, the pedestrian easement will allow unit lot A access to the alley for the placement of solid waste and recycling containers.

Public Comments

The comment period for this proposal ended on December 24th 2003. During the public comment period, DPD received no written comments for the project.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for multi-family Lowrise 2 (L2) use. The allowable density of the subject property is one unit per one-thousand two-hundred (1,200) square feet of lot area. Given a lot area of approximately 4,500 square feet, four (4) units are allowed and two (2) are proposed. Maximum lot coverage is (40%). Front setbacks are an average of the setbacks of the first principal structures on either side, the maximum required setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side setback is five (5) feet; the actual required setback is based on the structure depth and height of the facade adjacent to the side property line. Rear setback is twenty-five (25) feet or twenty (20%) percent of the lot depth, in no case less than fifteen (15) feet, in this

case the rear setback is approximately twenty-three (23') feet measured from the centerline of the alley. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards. There is an existing deck/porch on the existing structure on proposed unit lot A that will be removed to accommodate the required open space for unit lot B.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#250405-3-018) to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on December 9th, 2003 (WAC ID No 2003-1326). There is a standard eight (8) inch CIP CLC LID water main located in 4th Ave NE, which serves the site. There is an eight (8) inch public combined sewer (PS) located in 4th Ave NE that serves the development. Plan review requirements were made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There were two (2) Cherry (12" & 8") and two (2) Fir (10" & 18") trees on site as evidenced by the required survey submitted at the time of this application,. The 18" Fir

tree was retained as is it is located far enough away from the proposed development. The remaining trees will or are being removed as they were located near the footprint of the proposed single-family residence. SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on site trees. The lot size of the proposal requires that at least 4.8 caliper inches of trees be planted or preserved on site. The tree requirement was reviewed under MUP No. 2307426 Permit No. 738637.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

One single family structure on the subject site is currently being developed on the site. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2307426 Permit No. 738637. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A and B are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This subdivision application is not a short subdivision but rather a unit lot subdivision, therefore this section does not apply.

Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise 2 (L2) zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision (#250405-3-018).
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
6. Provide an area to allow for the posting of address signage for unit lot B at a location visible from 4th Ave NE. and provide a covenant and/or an easement to ensure that address signage can be maintained.

Signature: (signature on file) Date: March 1, 2004
Lucas DeHerrera, Land Use Planner
Department of Planning and Development

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